

April 10, 2023

VIA ECF

Hon. Kenneth M. Karas
United States District Judge
U.S. District Court - S.D.N.Y.
300 Quarropas St.
White Plains, NY 10601-4150

Re: *Gil v. Ally Financial, Inc. et al*
Index: 7:22-cv-05263-KMK-JCM

Your Honor:

My firm is counsel to Plaintiff in the above-referenced action. I write in brief reply to the Defendants' response to the Plaintiff's motion for a stay in this case. (Docket No. 60; Docket No. 58.)

Plaintiff's counsel has not been able to reach the Plaintiff or her son, David Congote, who is also referred to in Defendants' response since filing the motion for a stay in this case. The undersigned would state that this case is in the discovery phase and the Plaintiff's absence, which is understood to be for health reasons, has been for a relatively short duration. Plaintiff's counsel contends that a brief stay would be more equitable at this point than dismissal, particularly dismissal with prejudice, when it appears that the Plaintiff is unable to prosecute as opposed to willfully failing to prosecute.

Defendants' attorney requests that the undersigned acknowledge and consent to Wells Fargo repossessing one of the vehicles involved in this case. Plaintiff's counsel acknowledges Wells Fargo's intent and represents, absent a change in the present circumstances, that he does not intend to take any action in opposition.

Plaintiff's counsel respectfully requests the ninety (90) day stay referred to in the motion at issue. I thank Your Honor for consideration of the requested stay.

Respectfully,
/s/H.Cooper Ellenberg
H. Cooper Ellenberg

cc: all counsel of record